

MINUTES
UTAH
PROFESSIONAL ENGINEERS
AND
PROFESSIONAL LAND SURVEYORS
LICENSING BOARD
MEETING

March 19, 2002

Room 428 – 4th Floor – 9:00 A.M.
Heber Wells Building

CONVENED: 9:00 A.M.

ADJOURNED: 3:00 P.M.

Bureau Manager:
Board Secretary:

Lynn J. Bernhard II
Karen McCall

Board Members Present:

Scott F. McNeil
Kim Harris
Robert Knox, Board Chairperson
Stanley S. Postma
Hardin A. Whitney, Public Member
Barry C. Anderson
Charles Richardson

Guests:

Craig Jackson, Division Director
Linda Johnson, Division Licensing Specialist

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Read and Approve the January 8, 2002 minutes.

Mr. Whitney made a motion to approve the minutes with minor amendments. Mr. Harris seconded the motion. **The board vote was unanimous.**

PENDING BUSINESS:

Examination Requirement for Professional Engineer and Professional Structural Engineer Licensing

Mr. Bernhard presented the board with a proposal for a change in the rules for the examination requirement for licensure as a Professional Engineer, R156-22-(1)(b), to include the NCEES Structural I Examination

as one of the accepted Principles and Practice of Engineering (“PPE”) Examinations.

Mr. Bernhard also proposed that R156-22-205(1)(b) be deleted. This would delete the requirement of the NCEES Principles and Practice Examination in the Civil discipline for licensure as a Professional Structural Engineer. The applicant could then substitute Structural I to meet the PPE requirement and would still be required to complete the NCEES or California/Western Region Structural II Examination and meet all other requirements as currently set forth in the law and rule to become licensed as a Professional Structural Engineer.

Mr. McNeil made a motion to accept the NCEES Structural I Examination as equivalent to the NCEES Civil Examination for Professional Engineer licensing and for Professional Structural Engineer licensing. Mr. McNeil amended the motion to accept the language as proposed in the rule change by Mr. Bernhard. Mr. Richardson seconded the motion. The board vote was unanimous.

Mr. Postma made a motion to revise the proposed rule change of R156-22-205 (1)(b) to read: the NCEES Principles and Practice Examination with a passing score as established by the NCEES. Only the words “in the discipline of civil” would be stricken from the rule. Mr. McNeil seconded the motion. Mr. Richardson, Mr. Harris, Mr. McNeil, Mr. Postma voted in favor of the motion. Mr. Anderson voted against the motion. Mr. Whitney abstained from voting. The motion carried.

The board requested Mr. Bernhard to notify those individuals who have licensing pending the outcome of the proposed rule change that when the rule become effective the licenses will be issued.

Education and Enforcement Fund

Mr. Bernhard presented the balance report of the fund to the board and requested board members to make a recommendation regarding budget items for using the funds.

The board recommended the following budget:

1. Board Education

The board recommended that \$10,000.00 be allotted for 2 board members to travel to the fall 2002 NCEES Annual Meeting and 3 board members to travel to the spring 2003 Western Zone Annual Meeting.

2. Communications

The board recommended that \$2,000.00 be allotted for a total of 2 mailings of information to all licensees or information be available on the internet.

The board recommended an additional \$3,000.00 be allotted for development of other information, ie: newsletters.

3. Co-Sponsored Activities

The board recommended \$3,750.00 be allotted for the co-sponsored design boards combined activities.

Mr. McNeil made a motion to approve the recommended budget as a 1 year budget with the same amounts to be allotted for the 2003 budget. Mr. Harris seconded the motion. The board vote was unanimous.

Mr. Richardson made a motion that Mr. Bernhard in concurrence with the board chairperson may make adjustments in the approved budget of up to \$2,500.00. Mr. McNeil seconded the motion. The board vote was unanimous.

The board requested that the budget worksheet be presented to the board at each meeting.

Revised Professional Engineer Verification of Experience Form Review

Board members were requested to review a proposed change in the application form to verify the experience. **The board requested Mr. Bernhard to make the change in the application.**

Corrected Board Information

A copy of the revised board information. **No action taken.**

NEW BUSINESS:

APPOINTMENTS:

9:30 A.M.

Antone Thompson, PE

Mr. Thompson met for the probationary interview.

Mr. Thompson was sent a letter from Mr. Bernhard on February 12, 2002 outlining specific requirements for Mr. Thompson to be in compliance with the order of probation. The following was required:

1. Meet with the board at this meeting, March 19, 2002.
2. Be prepared to present to the board a list of 3 professional engineers who have agreed to review Mr. Thompson's engineering work.
3. Bring confirmation in written form that the engineers on the list will act as Mr. Thompson's peer reviewer.
4. The board would review the list and the written confirmation's and possibly approve one of the engineers as peer reviewer.
5. Mr. Thompson would then submit to the approved reviewing engineer a random sample of 20% of the work completed in the calendar year 2001 for review.
6. Upon completion of the review a report would be submitted for the board to review on May 21, 2002.

Mr. Thompson's work is to be reviewed to determine if that work is consistent with the standards that govern professional engineers in the State of Utah.

Mr. Thompson was notified that should he fail to comply with the above stated terms and conditions or if the work is not judge up to standard, further proceedings shall be conducted and a determination made whether the stay of enforcement set forth in the order should be vacated and the suspension of the license become effective.

Mr. Thompson discussed the content of the letter with Mr. Bernhard by telephone prior to the March 19, 2002 appointment.

Nothing was submitted by Mr. Thompson. Mr. Thompson stated that Don Johnston, Tremonton, Dave Harrington, Logan and Sam Love, Ogden are still the 3 engineers he would like considered.

The board noted that nothing was submitted and no statement has ever been received from any of the 3 mentioned engineers, Mr. Johnston, Mr. Harrington or Mr. Love, regarding agreement to act as peer reviewer for Mr. Thompson.

Mr. Postma made a motion for an order to show cause for non-compliance with the terms and conditions of the order. Mr. Whitney seconded the motion. Mr. Anderson, Mr. Whitney and Mr. Postma voted in favor of the motion. Mr. Richardson, Mr. Harris and Mr. McNeil voted against the motion. To break the tie vote, the chairperson, Mr. Knox, voted in favor of the motion. The motion carried.

10:00 A.M.
James Edwards, PLS

Mr. Edwards met regarding reinstatement of an expired license.

The board noted that Mr. Edwards has signed a stipulation and order for unlicensed practice and agreed to the following:

- 1. To Cease and desist unlicensed practice.**
- 2. To reapply for licensure according to the law.**
- 3. Pay a fine of \$400.00 within 60 days of the order.**

The board noted that the application for reinstatement is complete, the \$400.00 fine has been paid and the division and board are under no agreement to reinstate the license.

Mr. McNeil made a motion to issue Mr. Edwards a probationary license with the condition that Mr. Edwards attend a course on ethics or meet with the UCLS ethics committee to discuss ethical practice. Upon submitting documentation of completing an ethics course or documenting meeting with the UCLS ethics committee probation could be terminated. Mr. Anderson seconded the motion. The board vote was unanimous.

10:30 A.M.

Peter L. Peterson, PLS

Mr. Peterson met for the probationary interview. Mr. Peterson submitted the names of Jerry Allred, Duchesne County Surveyor, and Preston Ward, Cache County Surveyor, for the required audit of Mr. Peterson's work. Mr. Peterson also submitted a request to attend the UCLS seminar in Elko, Nevada, April 7-10, 2002, and requested the seminar count for the required 10 hours of continuing education. Mr. Peterson submitted the required list of surveys completed since 1999.

The board reviewed the stipulation and order with Mr. Peterson.

The board noted that Mr. Peterson submitted the required list of all surveys completed since 1999.

Mr. Anderson made a motion that both surveyors be accepted and Mr. Peterson may choose which surveyor to use for the required audit. Mr. Richardson seconded the motion. The board vote was unanimous.

Mr. Peterson commented that he would use Preston Ward, Cache County Surveyor.

Mr. Postma made a motion to approve the attendance at the UCLS seminar in Elko, Nevada, April 7-10, 2002, and for the seminar to count as the 10 hours of required continuing education. Mr. Whitney seconded the motion. The board vote was unanimous.

Mr. Peterson stated that he had submitted a set of Burnett and Thain survey plans to the UCLS committee for their review. The committee found errors in the plans. Mr. Peterson corrected the errors and requested the board to review the plans with the corrections.

The board suggested Mr. Peterson make another appointment with the UCLS committee to review the revised Burnett and Thain survey plans.

An appointment was made for Mr. Peterson and

Mr. Ward to meet with the board May 21, 2002 to review the guidelines of the stipulation and order and the expectations of the board.

11:00 A.M.

Donald C. Allen, PLS

Mr. Allen called and cancelled the probationary appointment. **The board requested an appointment be made for May 21, 2002.**

CORRESPONDENCE:

NCEES Correspondence

The board reviewed the following NCEES correspondence:

1. The Exchange Newsletter. **No action taken.**

ABET Newsletter

The board reviewed the ABET Communications Link. **No action taken.**

NCEES Candidate Information

The board reviewed the information regarding Mitchell S. Tibshirany Jr. as a candidate for NCEES Treasurer. **No action taken.**

DISCUSSION ITEMS:

Legislative Update

Mr. Bernhard reported that the Geology Bill passed. Upon receiving the law it will be distributed to board members. **No action taken.**

Disciplinary Action Tracking

Mr. Bernhard reviewed the disciplinary tracking form with the board. **No action taken.**

NCEES Presidents/MBA Assembly Report

Mr. Bernhard and Mr. Anderson reported on the meeting. A copy of the report was distributed to board members. **No action taken.**

Finalize Board Travel

The board secretary distributed lodging accommodation information to board members to make their arrangements for the May 2-5, 2002 NCEES Western Zone Meeting. **No action taken.**

NEXT MEETING SCHEDULED FOR:

May 21, 2002

MEETING ADJOURNED AT:

3:00 P.M.

Date Approved

Chairperson, Utah Professional Engineers &
Professional Land Surveyors Licensing Board

Date Approved

Bureau Manager, Division of Occupational &
Professional Licensing